

Applicant: Daniel SauFu Mui
Serial No.: 10/737,029
Filing Date: December 16, 2003
Docket No.: ZIL-568

REMARKS

Reconsideration and allowance of claims 1, 13, 18 and 22-23 are respectfully requested.

Claims 1-10, 13-16, and 18-26 were the subject of the recent appeal. Claims 11-12 and 17 were allowed before the appeal. In the decision of the Board of Patent Appeals and Interferences (the "Board") dated November 14, 2008, the rejections of claims 1-10, 14-16, 19-21 and 24-26 were reversed, and the rejections of claims 13, 18 and 22-23 was sustained. In the present amendment, claims 1, 13 and 22 are amended. After entry of the amendment, claims 1-26 are pending.

I. Claims 13 and 22

In the decision of the Board, the Examiner's rejection of claims 13 and 22 was sustained. (Decision, p. 7, lines 3-5) As a basis for sustaining the Examiner's rejection, the decision states, "The claim does not require the components to be contained or housed within a single structure. Therefore, the Examiner's finding that Wouters' system of devices meets Zilog's 'a remote control device' is consistent with the broadest reasonable interpretation of a remote control device." (Decision, p. 6, line 22 – p. 7, line 2) (emphasis added)

Applicant amends claims 13 and 22 to recite that "said remote control device is contained within a single structure". Thus, the recited "a remote control device" cannot reasonably be interpreted as reading on Wouters' system of devices. Allowance of claims 13 and 22 is requested.

II. Dependent claim 18

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wouters in view of Teskey (10/19/06 Office Action, p. 10, lines 14-15). The combination of Wouters and Teskey does not form the basis for a valid rejection of claim 18 under § 103(a) for the same reasons explained above with relation to

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claim 13. Neither Wouters nor Teskey discloses a single structure with a keypad that both transmits an IR signal and receives an RF signal. Thus, claim 18 is allowable for at least the same reasons for which claim 13 is allowable.

Allowance of claim 18 is requested.

III. Dependent claim 23

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wouters in view of Pope (10/19/06 Office Action, p. 11, lines 18-19). Claim 23 depends from claim 22 and incorporates the limitations of claim 22. The combination of Wouters and Pope does not form the basis for a valid rejection of claim 23 under § 103(a) for the same reasons explained above with relation to claim 22. Neither Wouters nor Pope teaches a single structure with a keypad, a radio frequency receiver and an infrared transmitter. Pope even teaches against including an IR transmitter on the handset. Pope explains:

"One advantage of having the infrared transmitter attached to the base unit 12 is that the base unit 12 can be typically powered by house current. Since no battery is used, the infrared transmitter can draw more power than is used in battery-type systems. For example, if a button is continuously pressed in a battery-type system, in order to conserve power the infrared signal is not continuously sent, but is sent intermittently. The base unit 12 connected to AC power need not be limited in this fashion. Additionally, it is also possible to have the base unit 12 supply a greater amount of power to the infrared transmitter to transmit a greater amount of infrared energy. In this manner, it may be possible for the infrared bulb to not be focused directly towards the appliance" (Pope, col. 3, lines 46-60) (emphasis added).

Thus, claim 23 is allowable for at least the same reasons for which claim 22 is allowable. Allowance of claim 23 is requested.

IV. New rejection of Claim 1

In the Decision dated November 14, 2008, the Board presents a new ground of rejection of claim 1. Claim 1 is rejected under 35 U.S.C. § 103(a) as

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being unpatentable over Pope in view of Graham. (Decision, p. 15, lines 4-5).

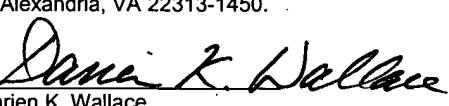
The Board bases its new rejection of claim 1 on a broad interpretation of the claim term "keystroke indicator signal". The Board states, "Zilog urges a narrow interpretation of the term 'keystroke indicator signal' to mean an indication of a selected key while precluding a control code." (Decision, p. 16, lines 5-7). Instead, the Board interpreted the recited "keystroke indicator signal" to have a broad meaning that covers Pope's appliance control codes.

Applicants overcomes the new rejection by amending claim 1 explicitly to limit the scope of the term "keystroke indictor signal" to indicate a key on a remote control device that a user has selected. The appliance control codes of Pope are not keystroke indicator signals that indicate the key on a remote control device that a user has selected. Thus, amended claim 1 is not rendered unpatentable by the combination of Pope in view of Graham.

V. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the entire application (claims 1-26 are pending) is in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 550-5067.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By 
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Respectfully submitted,


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